PER CURIAM

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

JAMAL KIYEMBA ET AL. *v.* BARACK H. OBAMA, PRESIDENT OF THE UNITED STATES ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 08–1234. Decided March 1, 2010

PER CURIAM.

We granted certiorari, 558 U. S. ___ (2009), on the question whether a federal court exercising habeas jurisdiction has the power to order the release of prisoners held at Guantanamo Bay "where the Executive detention is indefinite and without authorization in law, and release into the continental United States is the only possible effective remedy," Pet. for Cert. i. By now, however, each of the detainees at issue in this case has received at least one offer of resettlement in another country. Most of the detainees have accepted an offer of resettlement; five detainees, however, have rejected two such offers and are still being held at Guantanamo Bay.

This change in the underlying facts may affect the legal issues presented. No court has yet ruled in this case in light of the new facts, and we decline to be the first to do so. See, *e.g.*, *Cutter* v. *Wilkinson*, 544 U. S. 709, 718, n. 7 (2005) ("[W]e are a court of review, not of first view").

Under these circumstances, we vacate the judgment and remand the case to the United States Court of Appeals for the District of Columbia Circuit. It should determine, in the first instance, what further proceedings in that court or in the District Court are necessary and appropriate for

Per Curiam

the full and prompt disposition of the case in light of the new developments.

It is so ordered.